



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

APR 04 2014

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7006 2760 0000 8648 8572

Mr. Roger Anderson  
Walthill Wastewater Treatment Facility  
PO Box 246  
Walthill, Nebraska 68067

Re: Letter of Warning and Request for Information  
NPDES No: NE0021211

Dear Mr. Anderson:

On October 23, 2013, a representative from the U.S. Environmental Protection Agency, Region 7, performed an inspection at your wastewater treatment facility. The inspection was performed to determine the WWTF's compliance with the Clean Water Act and its National Pollutant Discharge Elimination System permit. A copy of the inspection report on compact disc (Enclosure 1) is included with this notice of violation for your review. During the inspection, the following violations of the CWA and NPDES permit were documented:

- Failure to conduct influent sampling
- Failure to measure freeboard in lagoon cells and maintain records
- Failure to maintain lagoons
- Failure to comply with approved sampling and recording procedures
- Failure to submit discharge monitoring reports for new WWTF system

During the October 2013 inspection, the agency observed that backwash from the Village's drinking water treatment system is discharged into the Village's storm sewer, which drains directly into Omaha Creek. Such discharges are not authorized by the Village's NPDES permit and, therefore, are violations of the CWA. It is our understanding that the village is currently working with both Indian Health Services and EPA staff to resolve this violation.

The Village of Walthill WWTF must be operated in full compliance with the terms of its NPDES permit and the CWA. The EPA inspection report provided recommendations for correcting deficiencies and improving operational practices at the WWTF to ensure future compliance. We strongly encourage you to implement these recommendations. Please note that the agency reserves its rights to bring an enforcement action, including the assessment of penalties, if these violations are not addressed.



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## Request for Information

Section 308 of the CWA authorizes the agency to request information from any person subject to the CWA to determine and ensure compliance with the CWA. Through this letter, the EPA seeks your assistance in providing information regarding your plans to return to compliance.

The agency requests that you submit a detailed plan and schedule for how the Village plans to address the violations outlined below:

1. Failure to conduct influent sampling
2. Freeboard not measured in lagoon cells
3. Failure to maintain lagoons
4. Failure to comply with approved sampling and recording procedures

The agency also requests that you submit a detailed plan and schedule for how the Village shall divert the drinking water backwash into the Village's wastewater treatment system plans to address the above-referenced violations, including the Village's plans to divert the drinking water backwash into the Village's wastewater treatment system.

The documentation should be submitted to the agency within **30 days of receipt** of this letter and shall be mailed to the following address:

Robert Bryant  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
Water Enforcement Branch  
11201 Renner Boulevard  
Lenexa, Kansas 66219

Submissions to the agency shall include a signed and notarized Certification of Response to Request for Information, attached herein.

The information you provide may be used by the agency in administrative, civil, and/or criminal proceedings. Failure to provide all the information required or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Although the agency seeks your cooperation, compliance with the Information Request is required by law.

If you have any questions or need additional information, please contact Robert Bryant, of my staff, at (913) 551-7354 or Chris Muehlberger, the attorney assigned to this matter at (913) 551-7623.

Sincerely,



for Karen A. Flourney  
Director  
Water, Wetlands and Pesticides Division

**Enclosure**

1. Inspection report
2. Certification Page for information request

**cc:** Steve Goans, NDEQ  
Denny Haag, IHS

## **CERTIFICATION OF RESPONSE TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to the U.S. Environmental Protection Agency's Request for Information and all documents submitted herewith, and that, to the best of my knowledge, the submitted information is true, accurate, and complete, and that all documents submitted are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public